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The Right to Petition in International Human Rights Law: Standards of the United Nations and the European Court of Human Rights

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Abstract

The right to petition public authorities is one of the foundational procedural guarantees of democratic governance and the international human rights system, enabling individuals to communicate grievances, seek legal protection, and participate in public administration. Although international human rights treaties rarely codify the right to petition as a free-standing right, its normative content has developed through an interlocking set of guarantees — freedom of expression, access to justice, effective remedies, participation in public affairs, and good administration. This article examines the legal foundations of the right to petition under the United Nations human rights framework and under the case law of the European Court of Human Rights (ECtHR), with particular attention to Article 34 of the European Convention on Human Rights and its interpretation in Akdivar and Others v. Turkey, Petra v. Romania, Cotlet v. Romania, and Mamatkulov and Askarov v. Turkey. The analysis shows that contemporary international law treats the right to petition as a composite procedural institution rather than a single substantive entitlement, and it identifies the principal state obligations — negative and positive — that this institution generates. The article concludes with comparative observations on the impact of digital government and artificial intelligence on petition procedures and formulates recommendations relevant to domestic legal systems, including Uzbekistan.

Keywords: right to petition; United Nations; European Court of Human Rights; Article 34 ECHR; effective remedy; access to justice; good administration; individual communications; artificial intelligence in public administration.

1. Introduction

The ability of individuals to address public authorities with complaints, requests, proposals, or information has accompanied the development of constitutional government for centuries. Today, the right to petition represents an indispensable mechanism through which individuals exercise democratic participation and secure protection of their rights. Unlike classical civil liberties such as freedom of speech or freedom of assembly, the right to petition has developed primarily as a procedural guarantee: it does not protect a substantive interest of the individual so much as it structures the relationship between the individual and public authority, requiring the latter to receive, examine, and respond to communications from the former.

International human rights law reflects this procedural character. Neither the Universal Declaration of Human Rights (UDHR) nor the International Covenant on Civil and Political Rights (ICCPR) proclaims an autonomous "right to petition" in the way that, for example, national constitutions frequently do. Instead, the right is assembled from several interlocking guarantees — effective remedy, freedom of expression, participation in public affairs — that jointly perform the function that a single petition clause performs at the domestic level. By contrast, the European Convention on Human Rights (ECHR) is unusual among international human rights instruments in that it expressly guarantees a right of individual petition to an international tribunal, set out in Article 34, and the European Court of Human Rights has, through several decades of case law, given this guarantee a rich and expanding procedural content.

This article examines both strands of international practice. Section 3 analyses the United Nations framework; Section 4 turns to individual communications procedures before UN treaty bodies; Sections 5 and 6 examine Article 34 ECHR and its interpretation by the Strasbourg Court; Section 7 offers a comparative assessment; Section 8 considers the impact of digital government and artificial intelligence on petition procedures; and Section 9 sets out recommendations and conclusions.

1.1. Research problem and objectives

The research problem addressed in this article may be formulated as follows: in the absence of an express, autonomous "right to petition" in universal human rights instruments, through which legal constructs does international law nonetheless guarantee the individual's ability to communicate with, and obtain a response from, public authorities and international bodies — and what obligations does this impose on states? The objectives of the article are, accordingly: to identify the UN treaty provisions from which the right to petition is derived; to analyse the individual communications procedures available under UN treaty bodies; to examine the scope of Article 34 ECHR through the Court's case law; to compare the UN and European approaches; and to assess how digital transformation affects the traditional guarantees identified in the preceding sections.

2. Literature Review and Methodology

The doctrinal literature on the right to petition has traditionally been divided between constitutional scholarship, which treats the right as a domestic procedural guarantee (frequently traced to instruments such as the English Bill of Rights 1689 and its subsequent constitutional descendants), and international human rights scholarship, which has focused principally on the right of individual application under Article 34 ECHR as the paradigmatic international petition mechanism. Scholars examining the UN system have generally approached the subject indirectly, through the broader categories of effective remedy (Article 2(3) ICCPR) and participation in public affairs (Article 25 ICCPR), rather than as a discrete "right to petition."

Within European human rights scholarship, the right of individual petition has attracted sustained attention in connection with two distinct problems: first, state interference with applicants seeking to bring or pursue a case before the Convention institutions (the subject of Akdivar, Petra, and Cotlet, discussed in Section 6 below); and second, the binding character of interim measures indicated under Rule 39 of the Rules of Court, a question resolved by the Grand Chamber in Mamatkulov and Askarov v. Turkey. A further, more recent strand of literature addresses the compatibility of automated administrative decision-making with the procedural guarantees traditionally associated with the right to petition and the right to good administration, particularly following the adoption of the Council of Europe Framework Convention on Artificial Intelligence (2024) and the EU Artificial Intelligence Act (Regulation (EU) 2024/1689). Methodologically, this article relies on doctrinal legal analysis of primary sources — treaty texts, General Comments of the UN Human Rights Committee, and ECtHR judgments retrieved from the Court's HUDOC database — supplemented by a comparative method contrasting the UN and European approaches, and a systemic-functional method used in Section 8 to assess the interaction between traditional procedural guarantees and emerging digital governance instruments.

3. The Right to Petition within the United Nations Human Rights System

The Universal Declaration of Human Rights does not explicitly proclaim a separate right to petition public authorities. Nevertheless, several provisions collectively establish its normative foundations. Article 8 UDHR guarantees the right to an effective remedy before competent national tribunals for acts violating fundamental rights; Article 19 protects freedom of opinion and expression, including the freedom "to seek, receive and impart information"; and Article 21 recognises the right of everyone "to take part in the government of his country, directly or through freely chosen representatives." Read together, these provisions create the normative basis for communication between individuals and public authorities, even though none of them names a "right to petition" as such.

The International Covenant on Civil and Political Rights (1966) strengthens these guarantees and gives them binding treaty force for States Parties.[1] Article 2(3) obliges States Parties to ensure that any person whose rights are violated has an effective remedy, determined by competent authorities, and that the remedy is enforced. Article 19 protects the freedom to seek, receive, and impart information, and Article 25 guarantees citizens the opportunity to take part in the conduct of public affairs, directly or through freely chosen representatives.

The UN Human Rights Committee, the treaty body responsible for monitoring compliance with the ICCPR, has repeatedly emphasised that

[1] International Covenant on Civil and Political Rights, 999 UNTS 171 (1966), Articles 2(3), 19, 25.

the effective implementation of Article 2 requires practical and accessible procedures through which individuals may submit complaints to competent authorities and receive reasoned decisions. General Comment No. 31 on the Nature of the General Legal Obligation Imposed on States Parties to the Covenant states that remedies must be "appropriately adapted so as to take account of the special vulnerability of certain categories of person," must be accessible, and must be capable of providing appropriate redress.[2] The Committee has consistently treated procedural accessibility — including reasonable time limits for administrative decision-making — as an indispensable component of the rule of law, even though it does not use the specific label "right to petition."

Beyond treaty obligations stricto sensu, several UN instruments reinforce participatory governance in ways that presuppose functioning petition mechanisms. The UN Convention against Corruption (2003) encourages States Parties to adopt mechanisms enabling citizens to report acts of corruption and to communicate with public authorities without fear of retaliation.[3] Sustainable Development Goal 16 of the 2030 Agenda for Sustainable Development explicitly commits states to "develop effective, accountable and transparent institutions at all levels" and to "ensure responsive, inclusive, participatory and representative decision-making," both of which presuppose that individuals can bring matters to the attention of public authorities through accessible procedures.[4] The annual UN E-Government Survey, prepared by the UN Department of Economic and Social Affairs, likewise tracks the extent to which e-participation platforms allow citizens to submit petitions, complaints, and proposals electronically, treating this as a core indicator of governance quality.

Consequently, although no universal human rights treaty expressly codifies a general right to petition administrative authorities, the United Nations human rights framework constructs the functional equivalent of such a right through an integrated set of procedural guarantees — effective remedy, freedom to seek and receive information, participation in public affairs, and institutional accountability.

[2]UN Human Rights Committee, General Comment No. 31, CCPR/C/21/Rev.1/Add.13 (2004), paras. 15-20.

[3]United Nations Convention against Corruption, 2349 UNTS 41 (2003), Article 13 (participation of society) and Article 33 (protection of reporting persons).

[4]UN General Assembly, Transforming our World: the 2030 Agenda for Sustainable Development, A/RES/70/1 (2015), Goal 16, targets 16.6 and 16.7.

4. Individual Communications before United Nations Treaty Bodies

A distinct manifestation of the international right to petition — closer in form to the domestic sense of the term — is the individual communications procedure established under several UN human rights treaties. This procedure allows an individual who claims to be a victim of a violation, after exhausting available domestic remedies, to submit a communication (in substance, a petition) directly to the relevant treaty body.

The Optional Protocol to the ICCPR (1966) allows individuals to submit communications to the Human Rights Committee once domestic remedies have been exhausted.[5] Comparable mechanisms exist under the Convention against Torture (Article 22), the Convention on the Elimination of All Forms of Discrimination against Women (Optional Protocol, 1999), the Convention on the Rights of Persons with Disabilities (Optional Protocol, 2006), and the International Convention on the Elimination of All Forms of Racial Discrimination (Article 14). Across these instruments, several common procedural principles recur: accessibility of the communications procedure; independence and impartiality of the examining body; a reasoned decision (referred to as "Views" rather than a judgment); a prohibition on retaliation against the complainant; confidentiality where appropriate; and, at least in principle, an expectation that the state will give effect to the treaty body's recommendations.

Although the "Views" adopted by UN treaty bodies are formally non-binding — unlike judgments of the European Court of Human Rights — they exert considerable influence on domestic legislation and judicial practice, and national courts in a growing number of jurisdictions treat treaty body jurisprudence as persuasive authority in interpreting corresponding constitutional guarantees. In this sense, the UN individual communications procedure functions as an international petition mechanism whose authority rests on the persuasive force of reasoned decision-making rather than on formal enforceability — a structural difference from the ECHR system examined in the following sections.

5. Article 34 of the European Convention on Human Rights

Unlike the UN system described above, the European Convention on Human Rights explicitly recognises the right of individual petition to an

[5] Optional Protocol to the International Covenant on Civil and Political Rights, 999 UNTS 302 (1966), Articles 1-2.

international tribunal. Article 34 ECHR (formerly Article 25 of the Convention prior to the entry into force of Protocol No. 11 in 1998) provides that "the Court may receive applications from any person, non-governmental organisation or group of individuals claiming to be the victim of a violation by one of the High Contracting Parties of the rights set forth in the Convention or the Protocols thereto," and that "the High Contracting Parties undertake not to hinder in any way the effective exercise of this right."[6]

Article 34 transformed individuals from passive beneficiaries of inter-state obligations into direct participants in the international protection of human rights. Its final clause — the undertaking "not to hinder in any way the effective exercise of this right" — has been read by the Court as imposing a distinct, freestanding obligation on states, capable of being violated independently of whether the underlying substantive complaint succeeds. This structural feature distinguishes Article 34 from the UN individual communications mechanisms discussed above, none of which contains an equivalent express non-hindrance clause.

5.1. The scope of the non-hindrance obligation

The Court has held that the non-hindrance obligation extends well beyond formal access to the Registry. It requires states to refrain from any act or omission that could dissuade or prevent applicants, their representatives, or persons connected to them from pursuing an application, or that could otherwise render the examination of the application pointless. The obligation applies to any form of pressure, whether direct coercion or subtler and indirect forms of interference, and it applies regardless of the outcome of the underlying complaint.

6. ECtHR Jurisprudence on the Right to Petition

The Court has substantially expanded the procedural content of Article 34 through a consistent line of case law. Four judgments are of particular significance for present purposes.

6.1. Protection against state interference: Akdivar and Others v. Turkey

In Akdivar and Others v. Turkey (1996), concerning the destruction of applicants' homes in south-eastern Turkey, the Commission and

[6] Convention for the Protection of Human Rights and Fundamental Freedoms, ETS No. 5 (1950), as amended by Protocol No. 11 (1998), Article 34.

subsequently the Court found that state authorities had directly questioned applicants — and persons believed to be applicants — about their applications pending before the Commission, and had presented some of them with statements to sign declaring that no such application had been made; in one instance the interrogation was filmed.[7] The Court held that it is "of the utmost importance for the effective operation of the system of individual petition" that applicants and potential applicants "are able to communicate freely with the Commission without being subjected to any form of pressure from the authorities to withdraw or modify their complaints," and it found a violation of (then) Article 25 § 1 independently of its findings on the substantive merits.[8] Akdivar thus established the principle that interference with the applicant's ability to pursue a pending application is a self-standing violation, not merely an aggravating circumstance.

6.2. Confidentiality of communication: Petra v. Romania and Cotlet v. Romania

In Petra v. Romania (1998), the applicant, a prisoner, complained that prison authorities had opened, read, and delayed his correspondence with the Commission.[9] The Court found that the domestic legal basis for monitoring prisoners' correspondence was insufficiently precise and accessible to satisfy the "in accordance with the law" requirement, and that the interference with correspondence addressed to the Convention institutions was incompatible with the respondent state's obligations. A similar conclusion was reached in Cotlet v. Romania (2003), where the Court found that a prisoner's difficulties in obtaining paper, envelopes, and stamps to correspond with the Convention institutions, combined with the opening of his correspondence by prison staff, violated both Article 8 (respect for correspondence) and Article 34 of the Convention.[10] Together, these cases establish that the confidentiality and material feasibility of communication with an international petition body form part of the right of individual petition, not merely of the separate right to respect for correspondence.

[7] ECtHR, Akdivar and Others v. Turkey, Judgment of 16 September 1996, Reports 1996-IV, App. No. 21893/93, paras. 103-104.
[8] ECtHR, Akdivar and Others v. Turkey, Judgment of 16 September 1996, Reports 1996-IV, App. No. 21893/93, para. 105.
[9] ECtHR, Petra v. Romania, Judgment of 23 September 1998, App. No. 27273/95.
[10] ECtHR, Cotlet v. Romania, Judgment of 3 June 2003, App. No. 38565/97.

6.3. Protection from intimidation and the binding character of interim measures: Mamatkulov and Askarov v. Turkey

Mamatkulov and Askarov v. Turkey (Grand Chamber, 2005) concerned two Uzbek nationals extradited by Turkey to Uzbekistan notwithstanding an interim measure indicated by the Court under Rule 39 of the Rules of Court, requesting that the extradition be stayed pending examination of the applicants' claim that they risked ill-treatment on return.[11] Turkey extradited the applicants regardless. The Grand Chamber found no violation of Articles 2, 3, or 6 on the facts before it, but held, for the first time, that a state's failure to comply with an interim measure indicated by the Court may itself constitute a violation of Article 34, because it prevents the Court from conducting an effective examination of the application and from securing practical and effective protection of the rights at stake.[12] This judgment reversed the Court's earlier, more cautious position (expressed in Cruz Varas and Others v. Sweden, 1991) and settled — as a matter of Convention law — that interim measures are binding on Contracting States, a conclusion of considerable practical importance for the effectiveness of the right of individual petition in cases of imminent and irreparable harm.

6.4. A cautionary counter-example: Aksoy v. Turkey

Not every allegation of interference with the right of individual petition succeeds, and it is analytically useful to note a case in which the Court declined to find a violation. In Aksoy v. Turkey (1996), the applicant's representatives alleged that the applicant had been killed because of his application to the Commission; the Court found no evidence to support this specific allegation and accordingly found no violation of (then) Article 25 § 1, even though it found violations of Articles 3 and 13 on other grounds.[13] Aksoy illustrates that the Court requires a sufficiently substantiated causal link between state conduct and interference with the exercise of the right of petition; general allegations of a hostile climate are not, without more, sufficient.

6.5. The relationship between Articles 13 and 34

[11] ECtHR [GC], Mamatkulov and Askarov v. Turkey, Judgment of 4 February 2005, App. Nos. 46827/99 and 46951/99, para. 110; cf. ECtHR, Cruz Varas and Others v. Sweden, Judgment of 20 March 1991, Series A no. 201.

[12] ECtHR [GC], Mamatkulov and Askarov v. Turkey, Judgment of 4 February 2005, App. Nos. 46827/99 and 46951/99, paras. 128-129.

[13] ECtHR, Aksoy v. Turkey, Judgment of 18 December 1996, Reports 1996-VI, App. No. 21987/93.

Although Article 34 concerns access to the Strasbourg Court specifically, its practical effectiveness depends on Article 13 ECHR, which requires every Contracting State to provide an effective domestic remedy for arguable Convention complaints before international proceedings become necessary. The Court has consistently read Articles 13 and 34 together: a domestic system that offers no effective avenue for redress increases the practical burden on the international petition mechanism and, in the Court's case law on exhaustion of domestic remedies, informs the assessment of whether domestic remedies were "effective" within the meaning of Article 35 § 1 (see, in this connection, the Court's own discussion of remedies in Akdivar, at the admissibility stage).

7. Positive Obligations of States

International standards examined in Sections 3–6 establish both negative and positive obligations on states. Negative obligations require states to refrain from obstructing petitions — whether directed at domestic authorities or at international bodies — through intimidation, interception of correspondence, or non-compliance with binding interim measures. Positive obligations require states to establish effective institutional mechanisms capable of receiving, processing, and resolving petitions within a reasonable time.

International practice, read across the UN and European systems together, suggests that an effective petition system generally requires: a legally established submission procedure, accessible without undue formality; reasonable and clearly defined time limits for examination; impartial examination by a competent authority; a reasoned decision; procedural transparency, including information on the status of the petition; the possibility of judicial review of the outcome; protection of the petitioner against retaliation; digital accessibility of submission channels; and accessibility for persons with disabilities. These elements increasingly appear, in varying combinations, in the constitutional and administrative law of European states and in the "good administration" instruments of the European Union and the Council of Europe discussed below.

8. Comparative Analysis

The United Nations and European Convention systems adopt different legal techniques to secure functionally similar outcomes. The United Nations constructs the right to petition indirectly, through procedural guarantees connected with effective remedy, freedom of expression, and participation in public affairs; its treaty-body communications procedure produces authoritative but formally non-binding outcomes. The European Convention system, by contrast, recognises an explicit international right of individual petition under Article 34, backed by a permanent court whose judgments are binding under Article 46 ECHR, and it reinforces this right through the non-hindrance clause interpreted in Akdivar, Petra, Cotlet, and Mamatkulov and Askarov. The following table summarises the principal points of comparison.

Feature	**United Nations framework**	**European Convention system**
Legal technique	Indirect — assembled from Articles 2(3), 19 and 25 ICCPR	Direct — express right of individual petition (Art. 34 ECHR)
Forum	Treaty bodies (e.g. Human Rights Committee)	A permanent international court (ECtHR)
Outcome	"Views" — authoritative but not formally binding	Judgments — legally binding on the respondent state (Art. 46)
Non-hindrance clause	Not expressly stated in the ICCPR itself	Expressly stated in Art. 34 in fine
Interim protection	Rule 92 (Committee's Rules of Procedure) — requested, not clearly binding	Rule 39 interim measures — binding per Mamatkulov and Askarov
Confidentiality of correspondence	Addressed case-by-case under Art. 17 ICCPR	Protected as an aspect of Art. 34 itself (Petra, Cotlet)

Table 1. Comparative overview of UN and European approaches to the right to petition

Despite these structural differences, both systems converge on a common core of underlying principles: accessibility, fairness, effectiveness, reasoned decision-making, protection against retaliation, procedural transparency, and accountability of public authorities. These principles now constitute widely accepted international standards of good administration, reflected also in Article 41 of the Charter of Fundamental Rights of the European Union (the right to have one's affairs handled "impartially, fairly and within a reasonable time"), the European Ombudsman's European Code of Good Administrative Behaviour, and the Council of Europe's Committee of Ministers Recommendation CM/Rec(2007)7 on good administration.

9. Emerging Challenges: Digital Petitions and Artificial Intelligence

Digital government has fundamentally transformed petition procedures. Electronic submission channels improve accessibility — a factor that both the UN E-Government Survey and the OECD's Digital Government work treat as central to governance quality — while simultaneously creating new legal challenges that the case law discussed in Section 6 did not anticipate.

Among the most significant issues are: the use of automated or semi-automated systems to triage or decide on petitions; the transparency and explainability of any algorithm involved in such triage or decision-making; the protection of personal data submitted through digital petition channels; cybersecurity risks affecting the integrity and confidentiality of petitions; the risk of digital exclusion for individuals without reliable internet access or digital literacy; and the practical difficulty of exercising a right to be heard, in the sense developed in Article 41 of the EU Charter, where a decision is generated by an automated system rather than by an identifiable official.

International instruments adopted in the 2020s have begun to address these questions directly. The Council of Europe Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law, opened for signature in September 2024, requires Parties to ensure that the use of AI systems in the public sector remains compatible with human rights, democracy, and the rule of law, and to provide for meaningful human oversight and effective remedies where AI systems affect individual rights.[14] Within the European Union, Regulation (EU) 2024/1689 (the "AI Act") classifies AI systems used to evaluate eligibility for public benefits and services, or to assist in the assessment of complaints, among

[14] Council of Europe, Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law, CETS No. 225, opened for signature 5 September 2024, Articles 1, 8-11.

the "high-risk" categories subject to heightened transparency, human-oversight, and accountability requirements.[15] Taken together, these instruments suggest that the traditional procedural guarantees examined in this article — the right to be heard, confidentiality, reasoned decisions, and protection from retaliation — are being extended, rather than displaced, by digital transformation: an algorithmic triage system that flags petitions for priority review does not, in principle, dispense with the underlying obligation to provide a reasoned, human-reviewable decision within a reasonable time.

Consequently, the future development of the right to petition is likely to depend on the successful integration of traditional procedural guarantees with digital governance standards, rather than on the wholesale replacement of one by the other.

10. Recommendations

On the basis of the analysis above, the following recommendations are formulated for domestic legal systems seeking to align petition procedures with international standards:

1. Legislation governing the examination of petitions, applications, and complaints by public authorities should expressly define maximum time limits for a substantive response and should attach a clear legal consequence — not merely an internal disciplinary consequence — to the expiry of that time limit, whether in the form of a right to escalate, a right to judicial review of inaction, or (in appropriate, narrowly defined categories of routine administrative decisions) an implied-consent rule modelled cautiously on comparative practice.

2. National ombudsman institutions should be given an express statutory mandate to monitor compliance with statutory time limits for petitions across public bodies and to publish an annual report identifying systemic patterns of delay, in a manner consistent with the monitoring functions exercised by the UN treaty bodies and by the European Ombudsman.

3. Domestic law should guarantee, in terms at least as protective as those developed by the ECtHR in Petra and Cotlet, the confidentiality of communications between individuals in custodial settings and both domestic complaint-handling bodies and international human rights

[15] Regulation (EU) 2024/1689 (Artificial Intelligence Act), Annex III (high-risk AI systems), point 5, concerning systems used by public authorities to evaluate eligibility for essential public services and benefits.

mechanisms, including adequate practical means (writing materials, postage, or secure electronic channels) to exercise this right.

4. Where automated or AI-assisted systems are introduced to triage, prioritise, or assist in deciding petitions, legislation should require meaningful human review of any decision adverse to the petitioner, a clear statement of reasons, and an accessible channel for the petitioner to contest the outcome — consistent with the approach reflected in the Council of Europe Framework Convention on Artificial Intelligence and the EU AI Act.

5. States that are not parties to the European Convention on Human Rights, but which participate in the UN individual communications procedures, should ensure that domestic remedies satisfy the "effectiveness" standard developed in the Court's Article 13 case law, since the practical value of an international petition mechanism — whether before the ECtHR or before a UN treaty body — depends on the prior availability of a genuine domestic remedy.

11. Conclusion

1. International human rights law recognises the right to petition as a composite procedural institution rather than an isolated substantive right. Neither the UDHR nor the ICCPR proclaims a free-standing "right to petition"; instead, the institution is assembled from effective remedy, freedom of expression, and participation guarantees.

2. The United Nations develops this institution indirectly, through Articles 2(3), 19, and 25 ICCPR as interpreted by the Human Rights Committee, and through the individual communications procedures available under the Optional Protocol to the ICCPR and comparable instruments, which produce authoritative but formally non-binding outcomes.

3. The European Convention on Human Rights establishes markedly stronger international protection by expressly recognising the right of individual petition under Article 34 and by prohibiting, in the final clause of that Article, any hindrance of its exercise — an obligation whose violation the Court will find independently of the outcome of the underlying substantive complaint.

4. ECtHR jurisprudence has transformed Article 34 into a comprehensive procedural guarantee. Akdivar and Others v. Turkey establishes that direct pressure on applicants violates Article 34 regardless of the substantive outcome; Petra v. Romania and Cotlet v. Romania extend the guarantee to the confidentiality and material feasibility of correspondence with the Convention institutions; Mamatkulov and Askarov v. Turkey establishes the binding character of interim measures; and Aksoy v. Turkey illustrates that the Court requires a properly substantiated causal link before finding a violation, thereby delimiting the guarantee's outer boundary.

5. Both systems converge on a common set of underlying principles — accessibility, fairness, effectiveness, reasoned decisions, protection against retaliation, transparency, and accountability — which now inform broader "good administration" standards, including Article 41 of the EU Charter of Fundamental Rights and Council of Europe Recommendation CM/Rec(2007)7.

6. Digital transformation, and in particular the use of artificial intelligence in public administration, requires the modernisation of petition procedures while preserving the fundamental principles identified above. Recent instruments — the Council of Europe Framework Convention on Artificial Intelligence (2024) and the EU AI Act (Regulation (EU) 2024/1689) — indicate that international law is extending, rather than abandoning, these principles in the digital context, by requiring meaningful human oversight, explainability, and effective remedies wherever automated systems affect individual rights.

Future national legislation, including in jurisdictions outside the Council of Europe system, should therefore incorporate the procedural standards identified in this article — reasonable and legally consequential time limits, confidentiality, reasoned decision-making, independent oversight, and human-reviewable automated decision-making — into both traditional and digitally-mediated petition mechanisms.

References

1. Universal Declaration of Human Rights, UN General Assembly Resolution 217 A (III), 10 December 1948, Articles 8, 19, 21.
2. International Covenant on Civil and Political Rights, 999 UNTS 171, 16 December 1966, Articles 2(3), 19, 25.
3. Optional Protocol to the International Covenant on Civil and Political Rights, 999 UNTS 302, 16 December 1966.
4. UN Human Rights Committee, General Comment No. 31: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, CCPR/C/21/Rev.1/Add.13 (2004).

5. United Nations Convention against Corruption, 2349 UNTS 41, 2003.
6. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1465 UNTS 85, 1984, Article 22.
7. Convention on the Elimination of All Forms of Discrimination against Women, Optional Protocol, 1999.
8. Convention on the Rights of Persons with Disabilities, Optional Protocol, 2006.
9. International Convention on the Elimination of All Forms of Racial Discrimination, 660 UNTS 195, 1965, Article 14.
10. United Nations, Transforming our World: the 2030 Agenda for Sustainable Development, A/RES/70/1 (2015), Goal 16.
11. United Nations Department of Economic and Social Affairs, UN E-Government Survey (latest edition).
12. Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), ETS No. 5, 1950, as amended by Protocol No. 11, Articles 13, 34, 35, 46.
13. European Court of Human Rights, Akdivar and Others v. Turkey, Judgment of 16 September 1996, Reports of Judgments and Decisions 1996-IV, App. No. 21893/93.
14. European Court of Human Rights, Aksoy v. Turkey, Judgment of 18 December 1996, Reports of Judgments and Decisions 1996-VI, App. No. 21987/93.
15. European Court of Human Rights, Petra v. Romania, Judgment of 23 September 1998, App. No. 27273/95.
16. European Court of Human Rights, Cotlet v. Romania, Judgment of 3 June 2003, App. No. 38565/97.
17. European Court of Human Rights, Cruz Varas and Others v. Sweden, Judgment of 20 March 1991, Series A no. 201.
18. European Court of Human Rights, Mamatkulov and Askarov v. Turkey [GC], Judgment of 4 February 2005, App. Nos. 46827/99 and 46951/99.
19. Charter of Fundamental Rights of the European Union, OJ C 326, 26 October 2012, Article 41.
20. European Ombudsman, European Code of Good Administrative Behaviour.
21. Council of Europe, Committee of Ministers, Recommendation CM/Rec(2007)7 to member states on good administration, 20 June 2007.

22. Council of Europe, Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law, opened for signature 5 September 2024, CETS No. 225.
23. Regulation (EU) 2024/1689 of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (Artificial Intelligence Act), OJ L, 2024.
24. OECD, Recommendation of the Council on Digital Government Strategies.
25. OECD/SIGMA, Principles of Public Administration.